



AQUACULTURE LEASE TRANSFER **APPLICATION**



This is an application for an aquaculture lease transfer. You are encouraged to review the aquaculture lease transfer laws and regulations to obtain a complete understanding of the procedure. Laws and regulations are available at the Maine Department of Marine Resources (DMR) website: www.maine.gov/dmr/aquaculture

Fee Schedule:

- Non Discharge Lease: The **non-refundable** application fee is \$2,500.00.
- Discharge Lease: The **non-refundable** application fee is \$5,000.00.

Checks must be included with the application and made payable to “Treasurer State of Maine”. If paying via credit card, DMR staff will contact you with payment instructions once the application has been received. DO NOT include your credit card information with the application. Note: your application will not be reviewed until payment has been received.

Submission Instructions:

- Provide one copy of your application to DMR at the appropriate address listed below. DMR will notify the applicant once the application has been received.
- The transferee is responsible for notifying the U.S. Army Corps of Engineers (USACE) of the transfer and is obligated to abide by all conditions of the USACE authorization.

If sending via U.S. Post Office:	If sending via email:	If sending by FedEx, UPS or other overnight service (except the U.S. Post Office):
DEPARTMENT OF MARINE RESOURCES ATTN: Aquaculture Division 21 State House Station Augusta, Maine 04333-0021	DMRAquaculture@maine.gov	DEPARTMENT OF MARINE RESOURCES ATTN: Aquaculture Division 32 Blossom Lane Augusta, Maine 04333

APPLICATION INSTRUCTIONS

Before submitting your application make sure you have answered all questions clearly and completely and included all of the necessary documentation. ***Failure to do so may result in significant delays in processing.***

Definition of Terms:

- Transferor: The transferor is the person/entity requesting to *relinquish, or add individuals/entities to their* the lease. **The transferor and lessee are one and the same.**
- Transferee: The transferee is the person/entity requesting to *receive, or be added to* the lease being transferred.

General suggestions for completing the lease transfer applications:

- If a question does not pertain to your proposed operations, please write “**not applicable**” or “**N/A.**” *Leaving questions blank will result in processing delays.*
- If you have questions about the application or lease transfer process, please contact DMR at (207) 624-6567 or DMRAquaculture@maine.gov

LEASE TRANSFER APPLICATION

1. LEASE. Identify the lease to be transferred.

Acronym of Lease Proposed for Transfer	
Date Lease Expires	
Town	
Water Body	
Acreage	
Authorized Species	
Army Corps of Engineers Authorization Number	
Payment Type	<input type="checkbox"/> Check <input type="checkbox"/> Credit Card

2. TRANSFEROR. Identify the present lessee (*if multiple lessees, provide information for each one; use a separate sheet if necessary*).

Applicant	
Contact Person	
Address	
City	
County	
State, Zip	
Country	
Telephone	
Email	

Note: *The email address you list here will be the primary means by which we will contact you. Please provide an email address that is checked regularly. If you do not use email, please leave this blank.*

3. PAST USE OF LEASE

Has this lease been used for aquaculture during its term?	<input type="checkbox"/> Yes <input type="checkbox"/> No
A. If “Yes”, describe the aquaculture activities, including but not limited to seeding, cultivation, or harvest of organisms.	
B. If “No”, explain why no aquaculture has been conducted.	

4. TRANSFeree. Identify the proposed transferee (*if multiple transferees, provide information for each one; use a separate sheet if necessary*).

Applicant	
Contact Person	
Address	
City	
County	
State, Zip	
Country	
Telephone	
Email	
Transfer Type	<input type="checkbox"/> Include transferee on lease with current leaseholder <input type="checkbox"/> Transfer entire lease to transferee

Note: The email address you list here will be the primary means by which we will contact you. Please provide an email address that is checked regularly. If you do not use email, please leave this blank.

5. TRANSFeree’S CURRENT LEASE(S). List all Maine aquaculture leases now held by the transferee(s).

Lease Acronym	Expiration Date	Town	Water Body	Acreage	Authorized Species

6. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If the lease is within 1,000 ft of shorefront land (**which extends to mean low water or 1,650 ft from shore, whichever is less, according to NOAA charts**), the following supporting documents are required:

1. A labeled copy of a tax map(s) including the following elements:
 - Label the map “Tax Map: Town of (name of town).”
 - Legible scale
 - Tax lot numbers clearly displayed
 - The boundaries of the lease
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000 ft of the lease. Have the tax collector or clerk of the municipality certify the list. Refer to the Riparian Determination guidance document to ensure all riparian landowners are included:
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>

RIPARIAN LANDOWNER LIST

*THIS LIST MUST BE **CERTIFIED** BY THE TOWN CLERK*

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. It is the applicant's responsibility to assemble the information for the Town Clerk to certify. The Town Clerk only certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If riparian parcels are located within more than one municipality, provide a separate tax map and certified riparian list for each municipality.

TOWN OF: _____

MAP #	LOT #	Landowner name(s) and address(es)

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, _____, Town Clerk for the Town of _____, certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

SIGNED: _____ **DATE:** _____

7. TECHNICAL CAPABILITY OF THE TRANSFeree

Provide information regarding professional expertise. For each transferee, attaching a resume or documentation of practical experience necessary to undertake aquaculture activities would satisfy this requirement.

8. FINANCIAL CAPABILITY OF THE TRANSFeree

A. Please provide a letter from a financial institution indicating the applicant has an account in good standing.

Note: Any financial information you submit with your application is part of the public record. Please exercise discretion when submitting financial information.

B. Please provide cost estimates of the aquaculture activities the transferee plans to conduct on this lease.

9. BIRD DETERRENT

Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. In order to comply with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), DMR is requiring that all applications involving the suspended culture of shellfish include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds at the proposed site. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Submerging suspended gear and associated product at a depth sufficient to deter roosting for two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- The site is proposed for the culture of seed only
- The site is proposed for the culture of adductor-only scallops (i.e. no other shellfish species would be grown on the site)
- Proposed gear would always be suspended below the surface of the water at a depth sufficient to deter roosting (i.e. as is common for scallop lantern nets)

State law limits the maximum aquaculture lease acreage a lessee can hold to 1,000 acres. Lease acreage held by a corporation or partnership is attributed to the stockholders or partners in the same proportion as their ownership in the corporation or partnership. For example, a 35% shareholder in a company holding a 100-acre lease is deemed to hold 35 acres (See [DMR Rule 2.12\(3\)](#)).

A. Individuals. Answer the following questions if any transferees are assuming this lease as individuals.

1. Have you applied for other aquaculture leases in Maine?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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2. If “Yes”, list the transferee’s name and state the outcome and current status of each lease

<p>3. How many acres of aquaculture leases do you currently hold, whether as an individual, a stockholder, a partner, or other co-owner of a lease or leases?</p>	
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4. Have you ever been arrested, indicted, or convicted of or adjudicated to be responsible for, any violation of any state or federal marine resources or environmental protection law?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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1. If “Yes”, list all such incidents

B. Corporations or Partnerships. Complete the following steps if any transferees are organized as corporations or partnerships, including LLCs.

1. Include a copy of corporate filing information with this application
2. Complete and submit with this application the “Corporate Applicant Information Document” available at:
<http://www.maine.gov/dmr/aquaculture/forms/standard.html>

10. TRANSFEROR'S STATEMENT *(if multiple lessees/transferors, provide additional completed signature pages as necessary)*

By signing this application, the UNDERSIGNED LESSEE hereby states that they have read and understand the requirements of the Department's statutes and rules governing aquaculture and the transfer application instructions. The undersigned lessee certifies that the following information is true and correct:

- The lease site is in good order and is in compliance with all DMR aquaculture laws and regulations;
- There are no rent bills outstanding;
- The required bond or escrow account is in place and will remain effective until the transferee obtains new coverage; and
- All required reports have been filed.

Print name: _____

Title *(if corporate applicant)*: _____

Transferor's Signature: _____ Date: _____

Print name: _____

Title *(if corporate applicant)*: _____

Transferor's Signature: _____ Date: _____

11. TRANSFEREE'S STATEMENT *(if multiple transferees, provide additional completed signature pages as necessary)*

By signing this application, the UNDERSIGNED TRANSFEREE hereby states that they have read and understand the requirements of the Department's statutes and rules governing aquaculture and the transfer application instructions. The undersigned transferee hereby certifies that:

- The information in this application is true and correct;
- I understand that I am bound by the requirements of Maine law and DMR's statutes and rules governing aquaculture;
- I understand that I am assuming the existing lease, including any conditions; and
- Upon approval of the transfer by DMR I will either open an escrow account or obtain a performance bond, as required by DMR.

Print name: _____

Title *(if corporate applicant)*: _____

Transferee's Signature: _____ Date: _____

Print name: _____

Title *(if corporate applicant)*: _____

Transferee's Signature: _____ Date: _____

APPLICATION SUBMISSION CHECKLIST

Please note: This checklist is provided for the applicant's reference and does not need to be returned with the application.

I. Content

_____ **Technical capability documentation**

_____ **Financial capability documentation**

_____ **Tax map(s)**

_____ **Riparian list**, certified (*if applicable*)

_____ **Corporate applicant information document** and articles of incorporation or documentation of partnership (*if applicable*)

II. Formatting

_____ All pages (including attachments) are numbered sequentially

_____ All attachments are clearly labeled and legible

_____ All questions have been answered and signature pages signed

_____ Please do not staple applications